

## Message Text

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ORIGIN ERDA-07

INFO OCT-01 EUR-12 ISO-00 OES-06 SP-02 L-03 NSF-02 ACDA-10

CIAE-00 INR-07 NSAE-00 NRC-07 EB-07 FEA-01 NSC-05

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DRAFTED BY AIA:OIP:BMA:SGRIFFITH

APPROVED BY OES/NET:DBHOYLE

USERDA:AIA:GFHELFRICH

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----- 125254

P 202358Z MAY 76

FM SECSTATE WASHDC

TO AMEMBASSY PARIS PRIORITY

INFO USMISSION EC BRUSSELS PRIORITY

UNCLAS STATE 124403

E.O. 11652: N/A

TAGS: TECH

SUBJECT: ERDA/CEA GENERAL NUCLEAR AGREEMENT

1. THIS PROVIDES TEXT OF PROPOSED ARTICLE 8 OF ERDA/CEA  
GENERAL NUCLEAR AGREEMENT DRAFTED IN WASHINGTON MAY 10 BY ERDA AND  
YYLES

LE NIGER OF CEA. INCLUDED INTEXT ARE SEVERAL CHANGES PROPOSED  
BY ERDA SUBSEQUENT TO THE MAY 10 MEETING WITH LE NIGER.  
TEXT HELD BY LE NIGER, WITH ERDA PROPOSED  
CHANGES INDICATED BY BRACKETS FOR DELETIONS AND UNDERLINING  
FOR ADDITIONS, FOLLOWS:

QUOTE ARTICLE 8

1. WITH RESPECT TO ANY INVENTION OR DISCOVERY CONCEIVED OR  
FIRST ACTUALLY REDUCED TO PRACTICE (BEGIN UNDERLINE) IN THE COURSE  
OF OR(END UNDERLINE)  
UNDER THIS AGREEMENT:

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A. IF CONCEIVED OR FIRST ACTUALLY REDUCED TO PRACTICE BY

PERSONNEL OF A PARTY (THE ASSIGNING PARTY) OR ITS CONTRACTORS  
WHILE ASSIGNED TO THE OTHER PARTY (THE RECIPIENT PARTY)  
OR ITS CONTRACTORS IN CONNECTION WITH AN EXCHANGE OF  
SCIENTISTS, ENGINEERS, AND OTHER SPECIALISTS:

(1) THE RECIPIENT PARTY SHALL ACQUIRE ALL RIGHT, TITLE,  
AND INTEREST IN AND TO SUCH INVENTION OR DISCOVERY, AND ANY  
PATENT APPLICATION OR PATENT THAT MAY RESULT, IN ITS OWN  
COUNTRY AND IN THIRD COUNTRIES, AND

(2) THE ASSIGNING PARTY SHALL ACQUIRE ALL RIGHT, TITLE AND  
INTEREST AND IN AND TO SUCH INVENTION, DISCOVERY, PATENT  
APPLICATION, OR PATENT IN ITS OWN COUNTRY.

B. IF CONCEIVED BY OR FIRST ACTUALLY REDUCED TO PRACTICE  
BY A PARTY OF ITS CONTRACTORS AS A DIRECT RESULT OF EMPLOYING  
INFORMATION WHICH HAS  
BEEN COMMUNICATED TO IT UNDER THIS AGREEMENT BY THE OTHER PARTY  
OR ITS CONTRACTORS OR COMMUNICATED DURING SEMINARS OR OTHER  
JOINT MEETINGS;

(1) SAID PARTY SHALL ACQUIRE ALL RIGHT, TITLE, AND INTEREST  
IN AND TO SUCH INVENTION OR DISCOVERY, AND ANY PATENT  
APPLICATION OR PATENT THAT MAY RESULT, IN ITS OWN  
COUNTRY AND IN THIRD COUNTRIES; AND

2) THE OTHER PARTY SHALL ACQUIRE ALL RIGHT, TITLE AND  
INTEREST IN AND TO SUCH INVENTION, DISCOVERY, PATENT APPLICATION,  
OR PATENT IN ITS OWN COUNTRY.C. FOR OTHER SPECIFIC FORMS OF  
COOPERATION, INCLUDING EXCHANGES OF SAMPLES, MATERIALS,  
INSTRUMENTS AND COMPONENTS FOR SPECIAL JOINT RESEARCH  
PROJECTS, THE PARTIES SHALL PROVIDE FOR APPROPRIATE DISTRIBUTION  
OF RIGHTS TO INVENTIONS CONCEIVED OR FIRST ACTUALLY REDUCED  
TO PRACTICE (FROM) (BEGIN UNDERLINE) IN THE COURSE OR OR UNDER  
(END UNDERLINE) SUCH COOPERATION. IN GENERAL, HOWEVER,  
EACH PARTY SHOULD NORMALLY DETERMINE THE RIGHTS TO SUCH INVENTIONS  
IN ITS OWN COUNTRY, AND THE RIGHTS TO SUCH INVENTIONS  
IN OTHER COUNTRIES SHOULD BE AGREED BY THE PARTIES ON AN EQUITABLE  
BASIS AND SHOULD NORMALLY PROVIDE FOR A ROYALTY OR SOME OTHER  
FORM OF COMPENSATION.

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D. IN ANY CASE WHERE ONE PARTY FIRST ACTUALLY REDUCES TO  
PRACTICE AFTER THE EXECUTION OF THIS AGREEMENT AN INVENTION  
CONCEIVED BY THE OTHER PARTY PRIOR TO THE EXECUTION OF THIS  
AGREEMENT, THEN THE PARTIES SHALL PROVIDE FOR AN APPROPRIATE  
DISTRIBUTION OF RIGHTS(,) BEGIN UNDERLINE ; END UNDERLINE  
PROVIDED, HOWEVER, BEGIN UNDERLINE) THAT (END UNDERLINE)  
EACH PARTY SHALL DETERMINE THE RIGHTS TO SUCH INVENTION

IN ITS OWN COUNTRY.

(BEGIN UNDERLINE) E. IT IS UNDERSTOOD THAT AFTER THE EUROPEAN PATENT CONVENTIONS HAVE COME INTO FORCE, EITHER PARTY MAY REQUEST A MODIFICATION OF THIS PARAGRAPH 1 FOR THE PURPOSE OF ACCORDING EQUIVALENT RIGHTS AS PROVIDED IN SUBPARAGRAPHS 1.A. THROUGH 1.D. ABOVE UNDER THE EUROPEAN PATENT CONVENTIONS. (END UNDERLINE)

2. THE PARTY OWNING A PATENT COVERING ANY INVENTION REFERRED TO IN THIS ARTICLE 8, PARAGRAPH 1 SHALL LICENSE THE PATENTS TO NATIONALS OR LICENSEES OF THE OTHER PARTY UPON REQUEST OF SUCH OTHER PARTY, ON NON-DISCRIMINATORY TERMS AND CONDITIONS. AT THE TIME OF SUCH A REQUEST, THE OTHER PARTY WILL BE INFORMED OF ALL LICENSES ALREADY GRANTED UNDER SUCH PATENT.

(BEGIN UNDERLINE) 3. (END UNDERLINE)

(4.) EACH PARTY SHALL TAKE ALL NECESSARY STEPS TO PROVIDE THE COOPERATION FROM ITS INVENTORS REQUIRED TO CARRY OUT THE PROVISIONS OF THIS ARTICLE. EACH PARTY SHALL ASSUME THE RESPONSIBILITY TO PAY AWARDS OR COMPENSATION REQUIRED TO BE PAID TO ITS EMPLOYEES ACCORDING TO THE LAWS OF ITS COUNTRY.

(3. IT IS UNDERSTOOD THAT AFTER THE EUROPEAN PATENT CONVENTIONS HAVE COME INTO FORCE, EITHER PARTY MAY REQUEST A MODIFICATION OF THIS PARAGRAPH 1 FOR PURPOSES OF ACCORDING EQUIVALENT RIGHTS AS PROVIDED IN SUBPARAGRAPH 1(A) THRU 1(D) ABOVE UNDER THE EUROPEAN PATENT CONVENTIONS.) UNQUOTE

2. THE CHANGE IN THE PREAMBULAR SENTENCE OF ARTICLE 8, PARAGRAPH 1 IS PROPOSED TO DEFINE MORE PRECISELY THE INVENTIONS TO BE COVERED BY THIS ARTICLE 8.

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3. THE CHANGE IN ARTICLE 8, SUBPARAGRAPH 1.C. IS PROPOSED TO DEFINE MORE PRECISELY THE INVENTIONS TO BE COVERED BY THIS ARTICLE 8. IN ADDITION, THE CHANGE IS PROPOSED TO IMPROVE THE GRAMMATICAL CONSTRUCTION OF THE SENTENCE.

4. THE CHANGES IN ARTICLE 8, SUBPARAGRAPH 1.D. ARE PROPOSED TO IMPROVE THE PUNCTUATION AND CLARITY OF THE SENTENCE.

5. WITH RESPECT TO THE CLAUSE PERMITTING MODIFICATION OF THE PATENT ARTICLE AFTER THE EUROPEAN PATENT CONVENTIONS SHALL HAVE COME INTO FORCE, IT IS PROPOSED TO SHIFT THIS CLAUSE FROM OLD PARAGRAPH 3 TO NEW SUBPARAGRAPH 1.E. BECAUSE THE CLAUSE PERTAINS ONLY TO ARTICLE 8, PARAGRAPH 1, BUT NOT TO THE

REMAINDER OF ARTICLE 8.

6. EMBASSY REQUESTED TO ATTEMPT TO GAIN CEA AGREEMENT WITH  
ABOVE PROPOSED CHANGES. ROBINSON

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TEXT, AGREEMENT DRAFT, NUCLEAR AGREEMENTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 20 MAY 1976  
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**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
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**Errors:** N/A  
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**Status:** NATIVE  
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**TAGS:** TECH, ERDA  
**To:** PARIS  
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